



# Bias Offense Response Plan

## INTRODUCTION

The Edina Human Rights and Relations Commission (HRRC) drafted the Bias Offense Response Plan (the Plan), proposed the Plan to the Edina City Council and the City Council adopted the Plan on May 5, 1997. The Edina City Council directed the HRRC to review the Plan at least once per year and provide recommended amendments as needed.

## PURPOSES

- To establish a procedure for appropriate and timely local response to bias offenses thus showing strong community support for the victim and zero community tolerance for bias offenses that occur within the boundaries of the City of Edina;
- To raise awareness of how the city is responding to the bias offense incident in the community;
- To establish a Community Resources Network that can be activated as needed.

The Edina HRRC provides or coordinates support to victims of bias offenses and provides leadership in the community to prevent such offenses through education and collaborative community action against prejudice and bigotry. However, it is not the role of the Edina HRRC to investigate bias offenses.

## BIAS OFFENSE DEFINED

A bias offense is defined by Minnesota Statute Section 611A.79, Subd. 1, a copy of which is included in Appendix A.

## PARTNERSHIP

The Edina HRRC will partner with citizens and organizations in the community in order to provide timely and meaningful support to victims of bias offenses. Local community partners are identified in Appendix B, Community Resources Network.

## RESPONSE PLAN:

- 1) Subject to the limitations in the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13, the Edina Police Department will notify the City Manager and the HRRC Chair upon receipt from the Edina Police Department or other law enforcement investigatory agency notice of a substantiated event or incident which may constitute a bias offense under Minnesota Statutes.
- 2) If a complaint has been investigated by law enforcement and determined to be valid, then the Police Chief, City Manager, and HRRC Chair will meet to determine the appropriate level of response. The Edina City Manager will notify the Mayor and City Council as appropriate.
- 3) Community response options include contacting appropriate members of the Community Resources Network to inform them of a bias offense and request their support and development of a response plan.
- 4) If a complaint has been investigated and does not constitute a bias offense under Minnesota Statutes, the police will contact victims with a voluntary Data Practices Release Form. If the victim(s) does not return the release form, the HRRC Chair will make no contact. Upon receipt of a signed form from the victim(s) the HRRC Chair



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will promptly contact the victim(s) to offer support and determine if any further action or assistance is requested. The Chair will inform the HRRC at the next regularly scheduled meeting.

- 5) The City Manager or designee will maintain a record of bias offenses and incidents.

## **APPENDIX A**

2015 Minnesota Statutes: <https://www.revisor.mn.gov/statutes/?id=611a.79>

### **611A.79 CIVIL DAMAGES FOR BIAS OFFENSES.**

#### **Subdivision 1. Definition.**

For purposes of this section, "bias offense" means conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section [363A.03](#), age, or national origin.

#### **Subd. 2. Cause of action; damages and fees injunction.**

A person who is damaged by a bias offense has a civil cause of action against the person who committed the offense. The plaintiff is entitled to recover the greater of:

- (1) \$500; or
- (2) actual general and special damages, including damages for emotional distress.

A plaintiff also may obtain punitive damages as provided in sections [549.191](#) and [549.20](#) or an injunction or other appropriate relief.

#### **Subd. 3. Relation to criminal proceeding; burden of proof.**

A person may bring an action under this section regardless of the existence or outcome of criminal proceedings involving the bias offense that is the basis for the action. The burden of proof in an action under this section is preponderance of the evidence.

#### **Subd. 4. Parental liability.**

Section [540.18](#) applies to actions under this section, except that:

- (1) the parent or guardian is liable for all types of damages awarded under this section in an amount not exceeding \$5,000; and
- (2) the parent or guardian is not liable if the parent or guardian made reasonable efforts to exercise control over the minor's behavior.

#### **Subd. 5. Trial; limitation period.**

- (a) The right to trial by jury is preserved in an action brought under this section.
- (b) An action under this section must be commenced not later than six years after the cause of action arises.

#### **Subd. 6. Other rights preserved.**



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## **APPENDIX B**

### Community Resources Network

<b>ORGANIZATION</b>	<b>CONTACT</b>	<b>TELEPHONE</b>
Edina Human Rights & Relations Commission	Staff Liaison	952-927-8861
Edina Police Department	Chief of Police	952-826-1610
City of Edina	City Manager	952-927-8861
Edina City Council	Mayor	952-927-8861
Edina Public School District #273	Superintendent	952-848-4000
Richfield Public School District	Superintendent	612-798-6000
Hopkins Public School District	Superintendent	952-988-4000
Edina Chamber of Commerce	Executive Director	952-806-9060
Hennepin County	County Attorney	612-348-5550
Professional Mediation Organizations	Call the Human Rights and Relations Staff Liaison for resource list	952-927-8861
Minnesota Department of Human Rights	Commissioner	651-539-1100

**Plan Updated History: 1994, 1997, 2003, 2008, 2011, 2014, 2015, 2016**